

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT No. 982

702-0101

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", Norfolk Southern Railway Company, hereinafter referred to as the "Company", the Township of May in Christian County, hereinafter referred to as the "Township", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through informal correspondence that inquiry should be made into the matter of improving public safety at the crossings of the Company's track with public highways known as Township Roads ("TR") 198 and TR 129B, located near Stonington, Christian County, Illinois, designated as crossings DOT 479 240H, milepost 398.96 WA, and DOT 479 241P, milepost 399.20 WA; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossings by a representative of the Department and Commission staff; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and all other pertinent data relating to the crossings has been obtained and shown on Exhibits A-1 and A-2, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law ("Fund") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- a) the installation of automatic flashing light signals and gates controlled by constant warning time circuitry at the TR 198 crossing.
- b) the installation of automatic flashing light signals and gates controlled by constant warning time circuitry at the TR 129B crossing.

Section 3 The Company has prepared preliminary estimates of cost to accomplish the proposed improvements which it may be required to perform, said estimates are attached as Exhibits B-1 and B-2, and shall upon Order according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be six (6) months and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) the cost to install the automatic warning devices as described in Section 2(a), estimated to be \$136,500, should be allocated 70% to the Department, utilizing federal funds, (not to exceed \$95,550) and 30% to the Fund (not to exceed \$40,950), with any remaining installation costs and all future maintenance and operation costs of the warning devices being borne by the Company.
- b) the cost to install the warning devices as described in Section 2(b), estimated to be \$136,800, should be allocated 70% to the Department, utilizing federal funds, (not to exceed \$95,760), and 30% to the Fund (not to exceed \$41,040), with all remaining installation costs and all future maintenance and operation costs of the warning devices being borne by the Company.

Section 6 Special Provisions. In view of the fact that federal funding is being utilized for the warning device improvements, all such work shall be governed by applicable provisions of Title 23, Chapter I, Subchapter G, Part 646 of the Federal-Aid Policy Guide adopted December 9, 1991.

Since railroad crews will perform the warning device improvements at the subject crossings,

no flagging or contractor liability insurance will be required for said work.

The Company shall file a written report with the Director of Processing and Information, Transportation Division of the Commission, within fifteen (15) days of the conclusion of each calendar quarter, stating the status of expenditures of the project and the percentage of completion of the project; if the project is behind schedule, the report must include a brief explanation of the reason(s) for the delay.

All bills for expenditures related to the installation of the automatic warning devices at the TR 198 and TR 129B crossings, authorized to be reimbursed from the Grade Crossing Protection Fund, shall be submitted to Mr. Henry Cronister, Illinois Department of Transportation, Central Bureau of Local Roads and Streets, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all bills received to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from the Fund shall be clearly marked "Final Bill". All bills shall be submitted no later than twelve (12) months from the date of completion as set forth in the Commission Order subsequent to this Agreement. The Department shall, at the end of the 12th month from the Commission Order completion date, de-obligate all residual funds accountable for the cost of the warning device installations for this project.

The Company shall at six (6) month intervals from the date of the Order subsequent to this Agreement until the project has been completed, submit written reports to the Director of Processing and Information, Transportation Division of the Commission, stating the progress it has made toward completion of the their work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order subsequent to this Agreement, crossing information (the name, title, mailing address, telephone number, and facsimile number of the Company employee responsible for management of their portion of the project).

This Agreement is not requiring the posting of an advance warning sign on the south highway approach to the TR 198 crossing. Per the requirements of the Federal Railroad Administration (see Exhibit A-1, page 2), an advance warning sign is not required under existing conditions on the south approach to the TR 198 crossing.

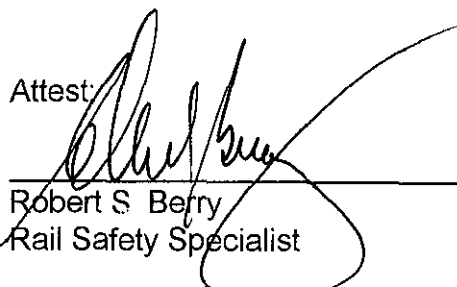
Section 7 This agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 8th day of August, 2002.



Michael E. Stead
Railroad Safety Program Administrator

Attest: 

Robert S. Berry
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 982 concerning improvements at the crossings of the track of the Norfolk Southern Railway Company with TR 198 and TR 129B, located near Stonington, Christian County, designated as crossing AAR/DOT 479 240H, milepost 398.96 WA, and crossing AAR/DOT 479 241P, milepost 399.20 WA.

Executed by the Township of May this 12 day of August, 2002.

THE TOWNSHIP OF MAY

By: _____

Timothy A. C. Supervisor

Attest:

RECEIVED
AUG 14 2002

Illinois Commerce Commission
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement No. 982 concerning improvements at the crossings of the track of the Norfolk Southern Railway Company with TR 198 and TR 129B, located near Stonington, Christian County, designated as crossing AAR/DOT 479 240H, milepost 398.96 WA, and crossing AAR/DOT 479 241P, milepost 399.20 WA.

Executed by the Department this 28th day of August, 2002.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: James H. Easterday
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 982 concerning improvements at the crossings of the track of the Norfolk Southern Railway Company with TR 198 and TR 129B, located near Stonington, Christian County, designated as crossing AAR/DOT 479 240H, milepost 398.96 WA, and crossing AAR/DOT 479 241P, milepost 399.20 WA.

Executed by the Company this 13th day of September, 2002.

NORFOLK SOUTHERN RAILWAY COMPANY

by

By: HR Comstock
General Manager

Attest:


Assistant Corporate Secretary

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line Norfolk Southern Milepost 398.96 WA Inventory# 479 240H

City Near Stonington Street TR 198 County Christian

Jurisdiction May Township Urban Rural X Commercial Residential X

Street Surface Oil and Chip Width 17' Condition Fair

Angle 45° Tracks Tangent Degree of Curve Superelevation

Depth of Cut Height of Fill 3 feet

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		<u>Main</u>	<u>T/A*</u>	<u>40'</u>	<u>Good</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
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* Timber and Asphalt

Intersecting Roads within 100' IL Rte. 148 113' south within 200' None

Traffic Control Devices Present Stop signs at intersection with Ill. Rte. 48

ADT 250 Speed 55 mph (not posted) Statewide Yes

Schoolbuses N/A Hazardous Materials Farm Chem. Other

Rail Traffic: Frt. 17 @ 60 mph Pass. N/A @ mph Switch

Simultaneous Train Movements No Daylight & Dark Movements Yes

Existing Warning Devices Crossbuck Signs

Advance Warning Signs North Approach only Pavement Markings No

Visibility Study

Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	N/A		N/A	
NW	N/A		N/A	
SE	N/A		N/A	
SW	N/A		N/A	

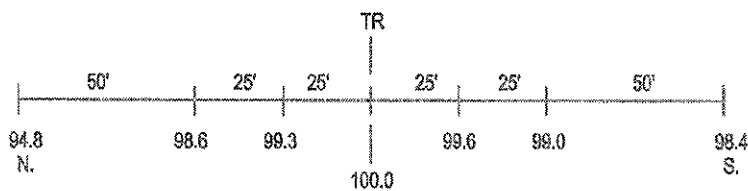
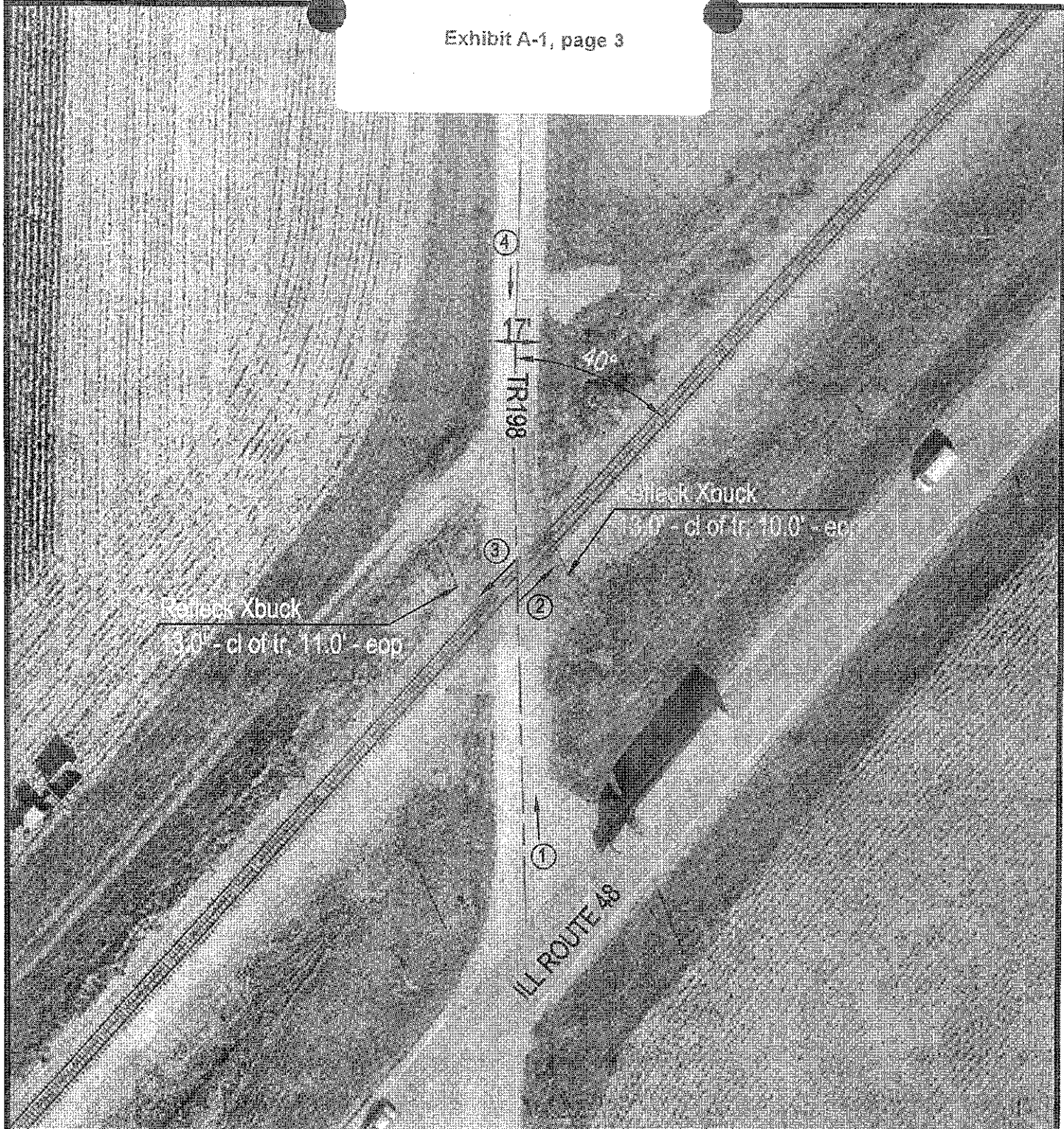
Approach Grades

North * ' % ' % ' %
 South * ' % ' % ' %

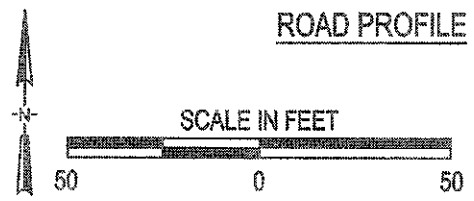
* Meets the requirements of 92 Illinois Administrative Code 1535.204

Comments: This crossing meets the Commission's minimum criteria for the installation of automatic flashing light signals and gates (the product of the average daily train and vehicular traffic exceeds 3,000)

There currently is no advance warning sign posted on the south highway approach to the TR 198 crossing. There is only 113' feet between the crossing and the intersection of TR 198 and IL 48. According to Chapter 4 of the Railroad-Highway Grade Crossing Handbook, published by the Federal Railroad Administration, advance warning signs are not required where the average daily traffic (ADT) is below 500 and the speed of the vehicular traffic does not exceed 40 mph. There is no posted speed limit on TR 198. Therefore, by law, the speed limit is 55 mph. The crossing is located in such close proximity to the TR 198/IL 48 intersection vehicular traffic is either slowing down for the stop sign at the intersection or just pulling on to TR 198 from IL 48. Vehicular speed is likely below 40 mph at the crossing proper. Therefore, an advance warning sign is not required on the south highway approach to the TR 198 crossing.



ROAD PROFILE



③ Photo Location

Crossing #: 479240H

Location: Christian Co., City of Stonington (N)

Lat/Long: 39°35'57" / 89°14'00"

Railroad: NS

Street: TR198

Railroad Milepost: 398.96

Crossing Protection: Signs

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STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line Norfolk Southern Milepost 399.20 WA Inventory# 479 241P

City Near Stonington Street TR 129B County Christian

Jurisdiction May Township Urban ☐ Rural ☒ Commercial ☐ Residential ☒

Street Surface Oil and Chip Width 21' Condition Good

Angle 45° Tracks Tangent ☐ Degree of Curve ☐ Superelevation ☐

Depth of Cut ☐ Height of Fill ☐

Trk. Ctrs.	Elevation	Crossing Surface			
		Track	Type	Width	Condition
		Main	T/A*	40'	Good

* Timber & Asphalt

Intersecting Roads within 100' IL Rte. 48 169' east within 200' No

Traffic Control Devices Present Stop Signs at IL 48 intersection

ADT 400 Speed 55 mph (not posted) Statewide Traffic Yes

Schoolbuses N/A Hazardous Materials Farm Chemicals Other N/A

Rail Traffic: Frt. 17 @ 60 mph Pass. N/A @ mph Switch N/A

Simultaneous Movements No Daylight & Dark Movements Yes

Existing Warning Devices Crossbuck Signs

Advance Warning Signs Yes Pavement Marking No

Visibility Study

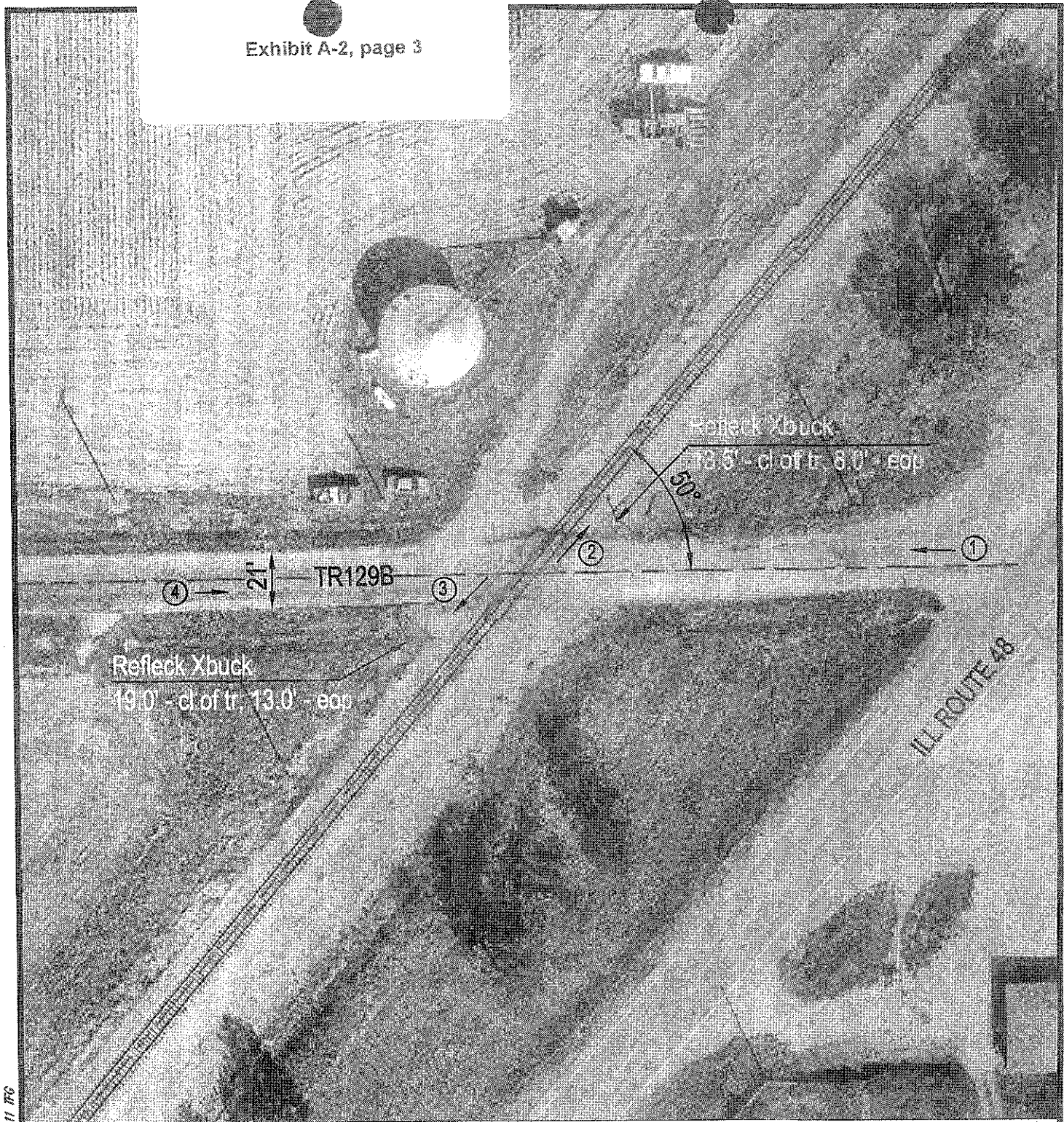
Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	N/A		N/A	
NW	N/A		N/A	
SE	N/A		N/A	
SW	N/A		N/A	

Approach Grades

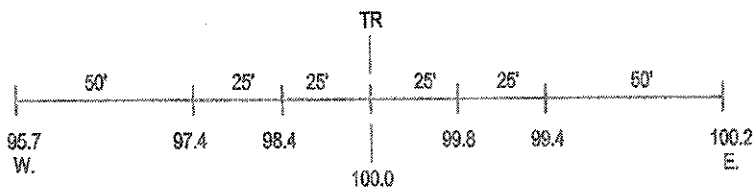
East * ' % ' % ' %
West * ' % ' % ' %

* Meets the requirements of 92 Illinois Administrative Code 1535.204

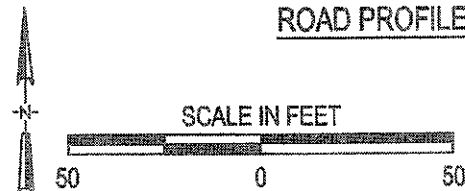
Comments: This crossing meets the Commission's minimum criteria for the installation of automatic flashing light signals and gates (the product of the average daily train and vehicular traffic exceeds 3,000)



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ROAD PROFILE



③ Photo Location

Crossing #:	479241P
Location:	Christian Co., City of Stonington (N)
Lat/Long:	39°35'49" / 89°14'10"
Railroad:	NS
Street:	TR129B
Railroad Milepost:	399.20
Crossing Protection:	Signs

15-May-02

Round Figure Estimate for Grade Crossing Warning Devices

City/State: STONINGTON, IL
MilePost: D-398.96
State Proj. No.:
S&E Proj. 04.0445
Man Days: 88

Road: CR-1600E / TR-198
DOT/AAR: 479240H
County: CHRISTIAN
AFE:
File Number: 061-04.479

*****Purchases - Other*****

Meals and Lodging:	\$7,010.00	
Rental of Equipment: (2 Trucks, 1 Backhoe w/ Trailer and 1 Pipe-Pusher for 22 Days)	\$15,330.00	
Construction Supervision Vehicle:	\$290.00	
Contingencies:	\$580.00	
Purchases - Other Total:		\$23,210.00

***** Material and Additives*****

Material Cost:	\$59,170.00	
Sales and Use Tax:	\$2,960.00	
Material Handling &	\$5,620.00	
Material Total:		\$67,750.00

*****Labor and Additives*****

Labor Cost:	\$18,040.00	
(4 man crew at \$820.00 a day for: 22 days)		
Payroll Tax && Overheads:	\$15,620.00	
Preliminary Engineering:	\$6,790.00	
Construction Supervision:	\$5,090.00	
Labor Total:		\$45,540.00
Subtotal:		\$136,500.00
Credit: (Salvage/Scrap)		\$0.00
Project Total:		\$136,500.00

Estimated on: 15-May-02

Estimated by: rhray

Estimate valid for 1 year from date of estimate

15-May-02

Round Figure Estimate for Grade Crossing Warning Devices

City/State: STONINGTON, IL
MilePost: D-399.2
State Proj. No.:
S&E Proj. 04.0446
Man Days: 88

Road: CR-1700N / TR-129B
DOT/AAR: 479241P
County: CHRISTIAN
AFE:
File Number: 061-04.480

*****Purchases - Other*****

Meals and Lodging:	\$7,010.00	
Rental of Equipment:	\$15,330.00	
(2 Trucks, 1 Backhoe w/ Trailer and 1 Pipe-Pusher for 22 Days)		
Construction Supervision Vehicle:	\$290.00	
Contingencies:	\$530.00	
Purchases - Other Total:		\$23,160.00

***** Material and Additives*****

Material Cost:	\$59,450.00	
Sales and Use Tax:	\$2,970.00	
Material Handling &	\$5,650.00	
Material Total:		\$68,070.00

*****Labor and Additives*****

Labor Cost:	\$18,040.00	
(4 man crew at \$820.00 a day for: 22 days)		
Payroll Tax && Overheads:	\$15,620.00	
Preliminary Engineering:	\$6,820.00	
Construction Supervision:	\$5,090.00	
Labor Total:		\$45,570.00
Subtotal:		\$136,800.00
Credit:		\$0.00
(Salvage/Scrap)		
Project Total:		\$136,800.00

Estimated on: 15-May-02

Estimated by: rhray

Estimate valid for 1 year from date of estimate